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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

TAMIE RICHARDSON,

Plaintiff,

vs.

First Horizon Home Loan Corporation,

Defendant.

Case No.: 10-3034

3073 . PA

**DEFENDANT'S 3<sup>rd</sup> SUPPLEMENTAL  
RESPONSE**

COMES NOW the Defendant, First Horizon Home Loan Corporation ("Responding Party"), by and through their attorney of record, Holger Uhl of McCarthy & Holthus, LLP, and respond as follows:

**PRELIMINARY STATEMENT**

The responses set forth below are made solely for the purpose of the above-entitled action. Each response is subject to all objections as to competence, relevance, materiality, propriety, admissibility, and any and all other objections or grounds, which would require the exclusion of any statement herein if the interrogatories were asked of, or if any statement contained herein was made by, a witness present and testifying in court, all of which objections or grounds may be asserted at the time of trial.

Discovery Response

M&H# OR10-3924

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1 Defendants do not make any incidental or implied admissions with regard to the contents  
 2 of the requested documents contained herein. Rather, the fact that Defendant has responded or  
 3 objected to any request(s), or part(s) thereof, should not be understood or interpreted to mean  
 4 that Defendants accepts or admits the existence of any facts set forth or assumed by Plaintiff's  
 5 request, or that such responses or objection constitutes admissible evidence. The fact that  
 6 Defendants have answered all or part of any request is not intended, nor shall it be construed, as  
 a waiver by Defendants of all, or any part of any, objections to any request.

7 Defendants investigation of the facts related to the present action is ongoing, and as  
 8 such, has not completed its discovery or its preparation for trial. Accordingly, the following  
 9 responses are based upon information known to Defendants at this time, and are given without  
 10 prejudice to Defendants right to produce subsequently discovered evidence and facts, and to  
 11 supplement, amend, modify, or otherwise change its responses contained herein.

12 To the extent that a request calls for information that was prepared in anticipation of  
 13 litigation or for trial, or for information or material covered by the attorney-work product  
 14 doctrine, or which constitutes information that is privileged or proprietary, confidential, or a  
 15 trade secret(s), Defendants object to such request, and thus, will neither supply nor render any  
 16 documents protected from discovery by virtue of these doctrines and privileges.

### 17 **GENERAL OBJECTIONS**

18 1. Defendants object to Plaintiff's requests as a whole, and to each request contained therein, to  
 19 the extent that they seek information which is not relevant to the subject matter of this litigation  
 20 and are not reasonably calculated to lead to the discovery of admissible evidence.

21 2. Defendants object to Plaintiff's requests as a whole, and to each request contained therein,  
 22 to the extent that they call for information which is protected from disclosure by the attorney-  
 client privilege and/or work product doctrine, and/or any other applicable privilege or immunity.

23 3. Defendants object to Plaintiff's requests as a whole, and to each request contained therein,  
 24 to the extent that they are overly broad and require Defendants to make an unreasonable and  
 25 unduly burdensome investigation. The search for and production of information requested in

1 Plaintiff's requests would consume many hours of effort at great and unreasonable expense to  
 2 Plaintiff and would yield information which is neither relevant to, nor reasonably calculated to  
 3 lead to the discovery of admissible evidence relating to, the issues in the present action.

4 4. Defendants object to Plaintiff's requests as a whole, and to each request contained therein,  
 5 to the extent that they request Defendant to identify or produce information not in its possession,  
 6 custody, or control, or documents which are equally available to Plaintiff.

7 All General Objections are incorporated by reference into each Response as though set forth in  
 8 full therein.

### 9 SUBSTANTIVE RESPONSES

10 Without waiving the above and previously filed objections Defendant responds to the request  
 11 substantively as follows:

12 (27) Certified copy of the Notary Public Michelle Nguyen log page verifying the signature of  
 13 David Fry on an *Affidavit of Mailing Notice of Sale* dated April 5, 2010 and notarized on August  
 14 20, 2010.

#### 15 **RESPONSE:**

16 Attached are true and correct copies of the declarations of David Fry and Michelle Nguyen. The  
 17 Declaration of Michelle Nguyen contains relevant pages of her notary journal. The Declaration  
 18 of David Fry verifies his employer, his position and evidence to support his authority to sign. All  
 19 responsive documents within the custody or control of Defendant have now been produced.

20 (28) Verification of employment for David Fry who signed the *Affidavit of Mailing Notice of Sale*  
 21 dated April 5, 2010 and notarized by Michelle Nguyen on August 20, 2010. The affidavit does  
 22 not list the name of the company he works for, his title, nor is there any evidence that would  
 23 support his authority to sign such a document.

24 **RESPONSE:** See Response to No. 27.

25 DATED: May 12, 2011

/s/ Holger Uhl

Holger Uhl, OSB# 950143  
 Attorney for Defendant